

BILL NO. G-90-12-21 (as amended)

GENERAL ORDINANCE NO. G- 30-90

AN ORDINANCE amending Chapter
28 of the City of Fort Wayne
Code of Laws.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 28 of the City of Fort
Wayne Code of Laws be amended as follows:

CHAPTER 28

TAXICABS

Article I. General Information/Administrative Authority

Sec. 28-1. Definitions/General Application.
Sec. 28-2. Permit, License and Compliance Requirements.
Sec. 28-3. Authority of board of public works and
safety.

Article II. Taxicab Permits

Sec. 28-4. Application for permit/proof of compliance
with minimum standards.
Sec. 28-5. Issuance of permits.
Sec. 28-6. Annual renewal of permits.
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Article III. Obligations of Permit Holder

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suspension or imposition of fine.
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revocation, suspension.
Sec. 28.25. Appeal from final order by director of board
of public works and safety.

ARTICLE I. IN GENERAL

Sec. 28-1. Definitions/General Application.

For the purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

License: License shall mean a license to allow an individual to drive a permitted taxicab in the city.

Permit: Permit shall mean a permit for the utilization of a taxicab in the city, issued upon the approval and by the order of the board of public works and safety of the City of Fort Wayne.

Taxicab: A taxicab means a motor vehicle used for the performance of a contract for the transportation of passengers or groups of passengers for hire, to and from points chosen or designated by the passengers or groups of passengers, and running over any available route between such points, but not at the time being operated over or along a definite, advertised, announced or substantially fixed route, from, to or between definite or substantially fixed terminals, locations or districts or according to substantially fixed or announced times or intervals of arrival or departure.

Taxicab inspector: Taxicab inspector is that individual designated by the board of public works and safety to perform inspections of taxicabs.

Taximeter: The word "taximeter," as used in this chapter, shall mean a mechanical device which records and indicates a charge or fare measured by the distance travelled, waiting time, if any, and extra passengers, if any.

The use of a gender pronoun shall be deemed to include either gender whenever it appears in this chapter.

Sec. 28-2. Permit, license and compliance requirements.

This Chapter is drafted with the intent of meeting the procedural requirements of Indiana Code Title 4 Article 21.5. When in conflict, this Chapter shall be read to conform to I.C. 4-21.5 et seq., and the board of public works and safety shall conduct its proceedings accordingly.

It shall be unlawful for any person to engage in the business of operating a taxicab service without a valid taxicab vehicular permit for each taxicab and/or to allow an individual to operate a taxicab without a taxicab license as required by this chapter.

It shall be unlawful for any person to engage in the business of operating a taxicab except in compliance with the provisions contained in this Chapter.

Sec. 28-3. Authority of board of public works and safety.

(a) The board of public works and safety, subject to approval of the Fort Wayne Common Council, is vested with power and authority and it shall be its duty to supervise and regulate taxicab performance and determine the adequacy of the service being furnished. Nothing contained herein shall be construed as granting unto the board of public works and safety the power to establish rates or fares, which power is hereby exclusively withheld.

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2 Whenever the board of public works and safety shall
3 exercise its power and authority by establishing fees, fines
4 or regulatory standards for equipment and/or performance
5 pursuant to the provisions contained herein, said board
6 shall submit a copy of any such fee and fine schedule or
7 regulations in the form of a resolution to be approved by
8 the common council prior to their implementation.

9 (b) The board of public works and safety shall have
10 the power and authority to prescribe and administer rules
11 and regulations and issue orders, in conformity with the
12 provisions of this chapter, to prescribe the conduct of
13 persons operating taxicabs in the City of Fort Wayne. The
14 board of public works and safety may hire persons to carry
15 out its function, including but not limited to vehicle
16 inspections, taximeter inspections and random inspections to
17 determine whether fares are being charged which conform to
18 the rates posted in and on the vehicle.

19 (c) The board of public works and safety shall keep on
20 file in its office, open to the inspection of the public,
21 the following information:

22 (1) A register of names of each person engaged in the
23 taxicab business with the date and complete record
24 of inspection made of all vehicles operated
25 pursuant to this chapter.

26 (2) An indexed record of all orders made and entered
27 under and pursuant to the provisions of this
28 chapter.

29 (d) In addition to maintaining a list of permittees,
30 the board of public works and safety shall assign a serial
31 body number to each motor vehicle described in such list as
32 originally filed or amended and place such number opposite
33 the description of such motor vehicle in such list.

34 (e) The board of public works and safety is hereby
35 authorized to promulgate a schedule of administrative fees
36 and fines which may be levied in lieu of, or in addition to,
37 the revocation or suspension of any permit issued under the
38 provisions of this chapter. Any such regulation shall also
39 include provisions for notice and a hearing before the board
40 of public works and safety in those cases where the levy of
41 a fine is disputed by the permit holder.

42 ARTICLE II. TAXICAB PERMITS

43 Sec. 28-4. Applications for permit/proof of compliance with 44 minimum standards.

45 (a) Any person desiring to operate taxicabs upon any
46 public street or in any public place within the City of Fort
47 Wayne shall file an application for a permit with the clerk
48 of the board of public works and safety upon a form which
49 the board shall provide, free of charge, to all applicants.
50 Such applications shall be verified under oath and shall
51 furnish the following information:

52 (1) The name of the applicant;

(2) The name of the applicant's business and whether
the business is owned individually, as a
partnership, or as a corporation;

(3) Applicant's business location;

- (4) Applicant's business mailing address;
- (5) Applicant's business phone number;
- (6) Applicant's home address and home phone number of the person signing the application;
- (7) The number of permits requested;
- (8) Make, model, vehicle identification number, title number and state license plate number for each vehicle to be permitted;
- (9) The trade name under which the business will operate, the telephone number which will be used by customers to contact the business for service, the color scheme of the vehicles the applicant intends to operate;
- (10) The names and addresses of any and all persons holding a ten (10) per cent or greater beneficial interest in the applicant's business or company. Failure to disclose such interest holders shall be grounds for the denial of the application of any applicant and the immediate revocation of the permit or permits of any permittee;
- (11) A statement by the applicant that it intends to own or lease at least three (3) taxicabs for use in the business;
- (12) The type and amount of communication equipment which the applicant intends to own or lease for the use in the business. Nothing contained herein shall prevent the applicant from renting communication services from an existing dispatch provider;
- (13) Whether the applicant is capable of providing or intends to provide full twenty-four hour taxicab service on each day of each week, in the operation of the business;
- (14) A statement by the applicant that it intends to purchase a policy of insurance which conforms to the requirements for insurance set out in this chapter;
- (15) Such other information as the board of public works and safety may require.

(b) The applicant shall also submit attachments to the application to the board of public works and safety to show compliance with the following terms and conditions:

- (1) Proof of inspection of the vehicle by a taxicab inspector to be designated by the board of public works and safety pursuant to Article IV, below.
- (2) Insurance certification proving that the applicant has met the insurance requirements of this chapter.
- (3) Such other documentation as may be required by the board of public works and safety, necessary to verify the truthfulness and qualifications of the application under consideration.

Sec. 28-5. Issuance of permits.

1 (a) After examining all submitted applications for
2 compliance with this chapter, the board of public works and
3 safety shall issue or deny permits to qualifying applicants
4 on a first-come, first-served basis, as determined by the
date the application was submitted. Permits shall be issued
or denied within sixty (60) days after the date of the
application submission.

5 (b) A minimum of three (3) permitted four-door
6 vehicles shall be required for a person to operate in the
7 City of Fort Wayne. No permits shall be issued to any
8 individual or taxicab company who, upon initial application
9 for permit, fails to qualify at least three (3) vehicles for
10 receipt of permits. Any person engaged in the taxicab
business in Fort Wayne under a permit or permits first
issued by the board of public works and safety is prohibited
from reducing the number of permits held to less than three
(3) vehicles.

11 (c) Upon issuance of a permit by the board of public
12 works and safety, the permittee shall pay a permit fee to
13 the Civil City Accounting Clerk. The permit shall not be
valid until said fee is paid. Permits shall be valid until
December 31st of the year of issuance. All renewal permits
shall be issued on a calendar year basis.

14 (d) The board of public works and safety shall provide
15 a metal number plate for each motor vehicle for which a
16 permit has been issued and which is described in the
17 schedule filed with the board of public works and safety,
18 which plate shall, at all times when such motor vehicle is
19 being operated or used upon any public street, highway, or
20 other public place in the city as a taxicab, be
21 conspicuously displayed on the front and rear thereof. In
the event the holder of any permit desires to transfer any
such plate from the motor vehicle for which it was issued,
and use the same on another motor vehicle, he shall
immediately notify the board of public works and safety and
furnish them with the name of the make, the serial number
and the seating capacity of such motor vehicle to which such
plate is to be transferred.

22 **Sec. 28-6. Annual renewal of permit.**

23 (a) Renewal permits shall be applied for and issued in
24 the above-mentioned manner and upon the same basis as
25 original permits. For each renewal permit a fee shall be
26 charged and paid to the Civil City Accounting Clerk.
Failure to apply for a renewal permit within ten (10) days
of the expiration of the original or any subsequent permit
shall result in a late fine.

27 **Sec. 28-7. Denial of permit or refusal to renew.**

28 (a) A taxicab permit may be denied by the board of
29 public works and safety for failure to comply with Article
30 II, Sec. 28-4, 28-5, 28-6; Article III or Article IV of
this Chapter. If a permit is denied, the applicant shall be
so notified in writing.

31 (b) Any applicant denied a permit by the board of
32 public works and safety may, within fifteen (15) days after
the application for permit renewal is denied, appeal the
board's decision in the manner set out in Section 28-25
below.

(c) In making its decision whether to renew a permit,
the board shall consider the following:

(1) Adherence of the owner and/or operator of the vehicle to the provisions of this chapter and other applicable chapters of the Code of the City of Fort Wayne;

(d) Whether or not the requirements of issuance of any initial permit as described in this chapter continue to be met;

(3) The board shall notify the permit holder in writing of the denial of any application for renewal of a permit, which notice shall become a final order after fifteen (15) days if not acted upon under (d) below.

(e) Any permit holder whose annual permit renewal has been denied by the board of public works and safety may, within fifteen (15) days after the application for permit renewal is denied, appeal the board's decision in the manner set out in Section 28-25 below, and/or file a petition for stay of effectiveness pursuant to I.C. 4-21.5-3-5.

ARTICLE III. OBLIGATIONS OF PERMIT HOLDER

Sec. 28-8. 24-Hour service required.

All persons holding city taxicab permits shall be obligated to provide good and reasonable service at all times to all parts of the city twenty-four (24) hours a day, each and every day of the year, unless prevented by a labor strike or an act of God. All persons holding city taxicab permits shall procure the services of a business office with sufficient employees to answer all calls twenty-four hours a day, each and every day of the year. Taxicab permit holders shall additionally be required to obtain at first opportunity and thereafter to maintain a listing of their trade name and phone number where the public can reach the permit holder's dispatcher in order to obtain service.

Sec. 28-9. All permits to be kept active.

All persons holding city taxicab permits must maintain in operating condition the vehicles for which the permits were issued. In the event that a vehicle for which a permit has been issued becomes inoperable, the person holding the permit shall notify the board of public works and safety immediately and shall have ninety (90) days from the date of such notification to make the vehicle operable or to purchase a replacement vehicle. If the vehicle has not been made operable within ninety (90) days, the permit for that vehicle shall be revoked.

Sec. 28-10. Driver information.

Every holder of a permit to operate taxicabs issued as provided in this article shall maintain on file in his own office the name, photograph, fingerprints, current address and the chauffeur's license number of each of his drivers, and the name and address of the next of kin of such driver who should be notified in case of emergency. Any changes in the information set out above shall be forwarded to the board of public works and safety.

Sec. 28-11. Liability insurance.

(a) During the term of a permit issued pursuant to this Chapter, the permittee or owner of a taxicab authorized by the permit shall maintain in full force and effect at no cost to the city a comprehensive auto and general liability

insurance policy. Said policy shall be issued by an admitted insurer or an insurer deemed acceptable by the board of public works and safety, or an insurer as defined by the laws of the State of Indiana, and shall provide the following:

- (1) Liability coverage in an amount no less than five hundred thousand dollars (\$500,000.00) single limit per occurrence; and
- (2) That the City of Fort Wayne, its officers, employees and agents are to be named as additional insured under the policy; and
- (3) That the policy will operate as primary insurance and that no other insurance effected by the city or other named insured will be called on to contribute to a loss covered thereunder; and
- (4) Coverage for all losses and damages as specified in section 28-12; and
- (5) That no cancellation, change in coverage, or expiration by the insurance company or the insured shall occur during the term of the taxicab vehicular permit, without thirty (30) days' written notice to the board of public works and safety prior to the effective date of such cancellation or change in coverage.

(b) A receipt for the fully paid policy of insurance required by subsection (a) shall be presented to the board of public works and safety at the time of making application for permits and at the time of inspection as set out in Section 28-12.

(c) In the event of failure of any owner to obtain or maintain in effect such deposit or such insurance policy, the board of public works and safety shall order the cancellation of the permit as provided in this section.

(d) The board of public works and safety may authorize alternatives to the insurance requirements of this section, including self-issuance as provided for under the laws of the State of Indiana, after determining that the public health and safety will not be jeopardized thereby. Any such alternatives shall first be approved by resolution of the common council.

Sec. 28-12. Indemnity and hold harmless.

The permittee and taxicab owner shall assume the defense of, and indemnify and hold harmless, the city, its officers, employees and agents from and against all actions, claims, losses, damages, liability, costs and expenses of every type and description, including but not limited to attorney fees, to which any or all of them may be subjected by reason of, or resulting from, directly or indirectly, in whole or in part, the acts or omissions of the permittee or the permittee's agents, officers or employers, directly or indirectly arising from the operation of a taxicab. The foregoing is not intended to and shall not be construed to limit any responsibilities or liability that the permittee may be subjected to under other laws.

ARTICLE IV. VEHICLES AND EQUIPMENT

Sec. 28-13. Inspection rules and regulations.

Prior to the use and operation of any vehicle under the provisions of this chapter, such vehicle shall be delivered to a place designated by the board of public works and safety for inspection. The vehicle shall be inspected by the taxicab inspector to ascertain whether it complies with such reasonable rules and regulations as may be prescribed by the board of public works and safety and the provisions of this chapter. These rules and regulations shall be promulgated by the board of public works and safety to provide safe and clean transportation and shall specify conditions and safety equipment deemed necessary therefore.

When a taxicab inspector finds that a vehicle has met all the established standards, he shall inform the board of public works and safety.

Sec. 28-14. Frequency of inspection; fee.

(a) Every vehicle operating under this chapter shall be inspected initially and every six (6) months thereafter by the taxicab inspector to ensure the continued maintenance of clean, safe operating conditions. Every vehicle must also be inspected after it has been involved in an accident and before it is operated after said accident. A fee shall be charged by the board of public works and safety for the purpose of maintaining inspections which fee shall be determined by the board and approving by resolution of the common council.

(b) In addition, the taxicab inspector or peace officers commissioned by the City of Fort Wayne, after displaying proper identification, may make reasonable and periodic inspections of any vehicle operating under a taxicab permit for the purpose of determining whether the vehicle is in compliance with the provisions of this article and the rules and regulations promulgated by the board of public works and safety.

(c) Any vehicle which is found, after any such inspection, to be unsafe or in any way unsuitable for taxi service may be immediately ordered out of service, and before again being placed in service, shall be placed in a safe, suitable condition, inspected and approved by the taxicab inspector.

(d) No owner shall allow a vehicle to be operated without a valid inspection sticker. Violation of this section shall subject owner to a fine.

Sec. 28-15. Refusal to allow inspection.

If any person who owns or is in control of a taxicab refuses to allow the inspection of the vehicle, the permit for that vehicle shall be automatically revoked upon the verified statement of the taxicab inspector and shall not be reissued for a period of ninety (90) days or until the vehicle has been presented for inspection and passes said inspection, whichever is later.

Sec. 28-16. Required equipment and condition of taxicab.

The board of public works and safety is hereby empowered to promulgate rules and regulations not inconsistent with the provisions of this Chapter as may be necessary or desirable to aid in attaining compliance with the provisions and purposes of this Chapter. The rules and regulations shall include, but shall not be limited to the following minimum standards:

(a) **Taximeter.** Every taxicab shall be equipped with a taximeter of a make satisfactory to the board of public works and safety. The use of any inaccurate taximeter or other measuring instrument for the purpose of gauging or indicating distance traveled, or waiting time, for the purpose of fixing rates to be collected from the public is hereby prohibited; and it shall be the duty of the owner or operator using any taximeter to keep said taximeter accurate.

(1) Every taximeter used for the purpose of gauging or indicating distance traveled or waiting time, or for the purpose of collection of fares for the public shall be inspected by the City of Fort Wayne bureau of weights and measures or his designee, once every six (6) months. If any meter is found to be inaccurate, the taxicab to which it is attached shall not be operated until such meter is properly approved and adjusted on reinspection. When any inspection shows that a taximeter accurately records the proper fare it shall be sealed under the direction of the inspector of weights and measures of the city, or his designee, and a written certificate of inspection shall be issued to the owner of any such taxicab. It shall be unlawful for any unauthorized person to tamper with, break or mutilate any taximeter or the seal thereon, with the purpose of causing such taximeter to register any fare incorrectly, or for any other purpose whatsoever. It shall be unlawful for any person to operate a taxicab without an operating taximeter in compliance herewith.

(2) Every taximeter shall be so placed in said taxicab that the reading dial showing the amount to be charged shall be well lighted and readily discernible by the passenger riding in such taxicab.

(b) **Color.** Each taxicab of any permittee shall be of a distinctive color scheme, and no vehicle covered by the terms of this chapter shall be operated whose color scheme, identifying design, monogram, or insignia to be used therein shall, in the opinion of the board of public works and safety, conflict with or imitate any color scheme, design, monogram, or insignia used on or in any vehicle or vehicles operating under another taxicab permit of the city, or pursuant to any other such law or statute, in such manner as to be misleading or intended to deceive or defraud the public.

(c) **Display of names and rates.**

(1) **Rate structure.** The board of public works and safety shall promulgate rules and regulations requiring the external display of the fare structure of the permittee's taxicabs. The display shall include:

- a. The distance for which the original flag drop pays;
- b. The rate per mile thereafter;
- c. The charge per minute waiting time;
- d. Any surcharges added to the fare for service to specific locations or during specific hours.

(2) Exterior information. There shall be on the outside of each taxicab, signs, cards or plates, of a durable or permanent structure, showing the permittee's taxicab business name, taxicab permit number and current telephone number. The taxicab business name and telephone number shall be displayed prominently on both sides of the taxicab in accordance with board of public works and safety regulations.

(d) Exterior conditions.

- (1) All taxicab vehicle bodies shall conform to the general specifications of the manufacturer.
- (2) All exterior paint work shall be maintained in good condition, free of substantial scratches, chips and abrasions.
- (3) All doors must have operating handles that allow opening from both inside and outside. Handles, knobs, and arm rests are to be free of breaks and must be securely mounted.
- (4) All suspension components affecting the ride and safety of vehicles shall be maintained such that they comply with the manufacturer's specifications.
- (5) All windshield and window glass shall be maintained free from cracks, scratches, pitting, abrasions, or any other condition that reduces clarity of vision.

(e) Interior conditions.

- (1) Seat covers shall be permanently attached or fixed to the seats of the vehicle and have no exposed wire or sharp edges either from metal or hardened vinyl. No broken springs, sagging or horizontal slippage is allowable in either seat.
- (2) Seat belts are to be in operating condition and easily accessible by all passengers.
- (3) Every operating permit holder shall ensure that the interior of her taxicab is maintained at all times in a reasonable clean condition.

(f) Radio. All taxicabs shall be equipped with two-way radios or comparable communication devices such that office dispatchers may immediately and effectively notify drivers of requests for service. No taxicab permit holder shall possess in the place of business or dispatch operation any device used for the monitoring of a competitor's radio frequency.

(g) Safety Equipment. All taxicabs shall be equipped with a fire extinguisher, flares and a first-aid kit. No owner shall permit the operation of a vehicle without said safety equipment, violation of which shall subject owner to a fine.

ARTICLE V. TAXICAB DRIVERS LICENSE

Sec. 28-17. License required.

No person shall drive for compensation or offer to drive for compensation a taxicab unless he/she holds a valid taxicab driver license issued pursuant to this article.

Sec. 28-18. License application procedure.

(a) Applications for a taxicab driver license shall be obtained from the Civil City Accounting Clerk and shall be filed with the board of public works and safety. Such applications shall be verified under oath and shall contain the following:

- (1) The name and address of the applicant;
- (2) The number of a valid state chauffeur's license issued to the applicant, and date of license expiration;
- (3) A statement of whether the applicant's driver license has ever been revoked or suspended and, if so, the reason for such revocation or suspension together with the applicant's current bureau of motor vehicles driver's license abstract;
- (4) A list of each conviction of the applicant. The list shall, for each such conviction, set forth the date of arrest, the offense charged, and the offense of which applicant was convicted;
- (5) A list of the applicant's physical or mental disabilities or incapacities. With respect to each such disability or incapacity, applicant shall state whether the same would interfere with the proper management and control of a motor vehicle;
- (6) A statement as to whether applicant is or ever has been addicted to the use of alcohol or any controlled substance as defined in the state criminal code;
- (7) A list of all prescription medication which applicant takes on a regular or episodic basis;
- (8) Such other information as may be required by the board of public works and safety to further the purpose of this chapter.

Sec. 28-19. License issuance.

(a) A taxicab driver license shall be issued by the board of public works and safety:

- (1) Upon receipt of a completed application as specified in section 28-18 and payment of the license fee to the Civil City Accounting Clerk, so long as the following conditions are met:
 - (i) No grounds for permit denial or revocation exists, as specified in section 28-21 or section 28-22; and
 - (ii) After fingerprinting of the applicant by the police department, and submission of two (2) recent dated portrait photographs, one to be attached to the application and one to be attached to the driver's license, if issued.

(b) All licenses shall expire one year from the date of issuance unless sooner revoked. A license shall not be transferable.

(c) All licenses so issued must be renewed within ten (10) days of expiration, at which time the expired license shall be relinquished to the Civil City Accounting Clerk and a renewal fee paid. Failure to apply for renewal within said time frame shall subject holder to a fine.

Sec. 28-20. Display of license.

The driver of every taxicab shall have the license visibly displayed in such vehicle at all times and shall produce it upon demand of any passenger or taxicab inspector.

Sec. 28-21. License denial or refusal to renew.

(a) A taxicab drivers license may be denied by the board of public works and safety on the following grounds:

- (1) The applicant failed to submit a complete application, as specified in section 28-18;
- (2) The applicant failed to submit fingerprinting and photographs, as required by section 28-19;
- (3) The applicant knowingly made a false statement of fact required to be revealed in the license application;
- (4) The applicant:
 - (i) Has been convicted of any act involving dishonesty, fraud, or deceit with intent to substantially benefit him or herself, or another, or substantially injure another; or
 - (ii) Has a physical or mental disability or incapacity known to impair mental and motor skills, or takes medication, uses alcohol or any controlled substance as defined in the state criminal code, or
 - (iii) Has a felony conviction within the last five years or is currently on parole or probation.

Provided, however, that the license shall be denied upon any of the grounds specified in this subsection (4) only if, in the opinion of the board of public works and safety the crime, act, disability, incapacity or impairment from a substance consumed, is substantially related to or shall adversely effect the qualifications, functions or duties of the applicant.

(b) The board shall notify the applicant in writing of the denial of any application or renewal of a license, which notice shall become a final order after fifteen (15) days if not acted upon under (c) below.

(c) Any applicant denied a license or renewal thereof by the board of public works and safety may, within fifteen (15) days after the application is denied, appeal the board's decision in the manner set out in Section 28-25 below. If renewal is denied, the applicant may also file a petition for stay of effectiveness pursuant to I.C. 4-21.5-3-5.

(d) **Refund of application fee.** Any applicant denied a license shall be entitled to a refund of the license fee paid to the Civil City Accounting Clerk.

ARTICLE VI. PENALTIES/VIOLATIONS/SUSPENSION AND REVOCATION OF PERMITS AND LICENSES.

Sec. 28-22. Unlawful activities.

(a) It shall be unlawful for any person to operate a taxicab for compensation with knowledge that the taximeter is not authorized by a valid permit or that grounds for revocation or suspension of said permit exist pursuant either to the rules and regulations hereafter promulgated by the board of public works and safety or the provisions contained in this chapter.

(b) It shall be unlawful for any taxicab driver or person in the business of operating a taxicab for compensation to do any of the following:

- (1) Charge an additional type of fee or higher fee other than those fees posted, as required by section 28-11(c). It shall be lawful to charge a fare less than those posted;
- (2) To throw the flag of a taximeter in a recording position when such taxicab is not actually employed, or to fail to throw the flag of such taximeter to the nonrecording position at the termination of each service.
- (3) To transport a greater number of passengers than the rated seat capacity of the taxicab;
- (4) To fail to answer all calls received in the order or receipt, unless the licensee reasonably believes the receipt of a call will place him/her in fear of bodily harm;
- (5) To refuse, upon request, to give a passenger a written receipt showing the fare due, and the miles and minutes employed;
- (6) To drive passengers via indirect or circuitous routes for the primary purpose of obtaining higher fees;
- (7) To refuse to provide services on the basis of the short length of the prospective ride;
- (8) To fail to display a valid license, issued pursuant to this article, in the taxicab interior in full view of any passenger;
- (9) To pick up additional passengers without prior consent of the passengers already in the taxicab;
- (10) To smoke while the vehicle is occupied by a passenger; or
- (11) To use a taxicab for any illegal activity.

(c) However, it shall not be unlawful for any taxicab driver or person in the business of operating a taxicab from charging an additional fee or surcharge from that measured by the taximeter for providing service during certain hours or to certain locations, provided:

- (1) The passenger is advised of the additional fee or surcharge at the time the passenger requests the dispatch of the taxicab; and

(2) The taxicab driver verbally advises the passenger of the additional fee or surcharge before the initial flag drop; and

(3) The additional fee or surcharge is posted pursuant to the provisions of this chapter and rules and regulations promulgated by the board of public works and safety.

Sec. 28-23. Grounds for permit and license revocation, suspension or imposition of fine.

(a) For the violation of any of the provisions of this Chapter regulating the operation and use of taxicabs in the city and any regulation issued by the board of public works and safety pursuant to the authority conferred upon such board by virtue of the provisions of this chapter, the board of public works and safety of the city may, upon the motion of such board or any member thereof, assess a fine, revoke or suspend any permit issued under the provision of this Chapter.

(b) Upon motion of the board of public works and safety or any member thereof, a taxicab driver's license may be revoked or suspended or the licenses may be subject to a fine by the board of public works and safety on any of the following grounds:

(1) Violation of section 28-22; or

(2) If, since the issuance of the license, grounds for license denial pursuant to section 28-21 have occurred, or

(3) The applicant has been found by the board of public works and safety to have knowingly make a false statement of fact in the permit application; or

(4) The applicant is found to have transferred or sold the license to an individual other than the person named on the license application.

(c) Revocations shall be effective for ninety (90) days or until the prohibition has been rectified to the satisfaction of the board, whichever is later.

Sec. 28-24. Procedure permit and/or license denial, revocation, suspension.

(a) The board of public works and safety may refuse to issue, or may revoke or suspend a taxicab permit or a taxicab driver's license only upon fifteen (15) days' written notice to the applicant, business owner or licensee. Such notice shall specifically state the grounds for the proposed action and inform the addressee that said order shall become final within fifteen (15) days if said applicant, owner or licensee does not file a petition for reconsideration with the board of public works and safety, within said time frame, requesting a hearing on the matter. At the hearing, to be held by the board of public works and safety, the applicant, owner or licensee shall be given the opportunity to present witnesses and documentary evidence, to be represented by counsel, and to examine all witnesses presented. The director of the board of public works and safety shall mail or otherwise furnish to the applicant,

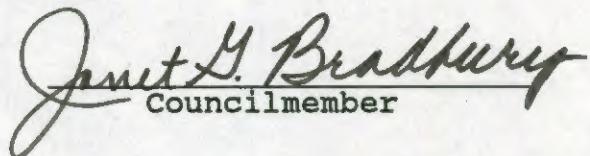
owner or licensee a written order stating the grounds for the board's decision following the hearing in the case. Said order shall be considered a final order for the purpose of I.C. 4-21.5-3.

(b) If the applicant, owner or licensee is dissatisfied with the decision of the chairman of the board of public works and safety in ordering the denial, revocation or suspension of the permit or license, such person may appeal in the manner provided in section 28-25.

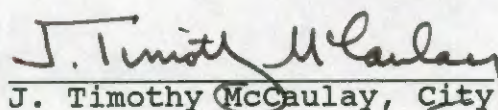
Sec. 28.25. Appeal from final order by director of board of public works and safety.

Any person adversely affected by any final order made by the board of public works and safety of the city under the provision of this chapter may, within thirty (30) days after such order is entered, file a petition for judicial review in the circuit or the superior courts of Allen County against the board of public works and safety to vacate or set aside any such order on the ground that such order is insufficient, unreasonable, unlawful or procured by fraud or other unlawful methods. Summons shall issue upon the complaint filed in such action and be served on the board of public works and safety in the manner now provided by law in civil actions, and the procedure in the trial of such cause shall be the same in the trial of civil actions. An appeal from the judgment of the Allen Circuit or Superior court in any such cause may be taken to the appropriate appeals court in the manner now provided for appeals in civil actions. This section is adopted pursuant to Indiana Code 4-21.5-5-5.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


Councilmember

APPROVED AS TO FORM
AND LEGALITY


J. Timothy McCaulay, City Attorney

Read the first time in full and on motion by Bradbury, seconded by Edmonds, and duly adopted, read the second time in full title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 12-11-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Edmonds, and duly adopted, placed on its passage. ~~PASSED~~ LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>			<u>2</u>
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA				<u>✓</u>
HENRY	<u>✓</u>			
LONG				<u>✓</u>
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 12-18-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 9-30-90 on the 18th day of December, 1990,

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

SEAL
Charles S. Reed
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of December, 1990 at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 19th day of December 1990, at the hour of 4:10 o'clock P.M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

as amended

BILL NO. G-90-12-21

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON _____ REGULATIONS _____ TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending Chapter 28
of the City of Fort Wayne Code of Laws

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

J. Bradbury

D. C. Edmonds

S. Schmidt

T. Talarico

DATED: *12-18-90.*

Sandra E. Kennedy
City Clerk

DIGEST SHEET

TITLE OF ORDINANCE GENERAL ORDINANCE

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS AND SAFETY

SYNOPSIS OF ORDINANCE AMENDING CHAPTER 28 ENTITLED "TAXICABS"

OF THE CITY OF FORT WAYNE CODE OF LAWS.

9-90-12-21
(as amended)

EFFECT OF PASSAGE AMENDS CHAPTER 28 OF THE CITY OF FORT WAYNE
CODE OF LAWS.

EFFECT OF NON-PASSAGE CHAPTER 28 REMAINS THE SAME

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____